

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re

RANDALL CUPP,

No. 14-10217

Debtor(s).

Memorandum and Order on Oral Motions to Reopen Case

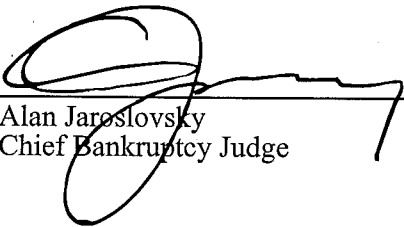
Chapter 13 debtor Randall Cupp is the brother of Ronald Cupp, who filed a Chapter 7 petition December 12, 2013, after the foreclosure of his property at 4640 Arlington Avenue, Santa Rosa. On February 3, 2014, the Honorable Thomas E. Carlson, Bankruptcy Judge, granted a motion for relief from the automatic stay in Ronald's case brought by the Federal National Mortgage Association allowing state court litigation for possession of the premises to go forward. On February 14, 2014, Ronald allegedly recorded a deed to the property to Randall, who filed this Chapter 13 a few days later. This case was dismissed March 24, 2014, due to Randall's failure to make an installment filing fee payment. At the time, Federal National Mortgage Association's stay relief motion was pending.

Both Randall and Federal National Mortgage Association orally seek reopening of the case, but the court sees no cause for reopening. Randall was clearly warned that his case would be dismissed if he did not make an installment payment. Federal National Mortgage Association has numerous legal protections if either Randall or Ronald should file another case, and in any event the matter has already been decided by Judge Carlson and the undersigned will make no other order.

1 Accordingly, the oral motions of both Randall and Federal National Mortgage Association to  
2 reopen the case are denied. If either Ronald or Randall should be so unwise as to file another case, or  
3 if any other person claiming an interest in the property files any bankruptcy petition, Federal National  
4 Mortgage Association may seek immediate relief from the automatic stay by ex parte motion.

5 SO ORDERED.

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7 Dated: March 27, 2014

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11 Alan Jaroslovsky  
12 Chief Bankruptcy Judge  
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CERTIFICATE OF MAILING

The undersigned deputy clerk of the United States Bankruptcy Court for the Northern District of California hereby certifies that a copy of the attached document was mailed to all parties listed below as required by the Bankruptcy Code and Rules of Bankruptcy Procedure.

Dated: March 27, 2014

Wendy Karnes  
Deputy Court Clerk

Randall Lee Cupp  
4640 Arlington Ave.  
Santa Rosa, CA 95407